



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

**OCT 05 2012**

REPLY TO THE ATTENTION OF: WQ-16J

Marcia T. Willhite, Chief  
Bureau of Water  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Dear Ms. Willhite:

On August 9, 2012, the U.S. Environmental Protection Agency received legal certification from the Illinois' Attorney General Office regarding the legality of the adoption of site-specific boron water quality standards for segments of the Sangamon and Illinois Rivers (35 Ill. Adm. Section 303.445). Receipt of this certification, in addition to the previously submitted documentation that was received on September 11, 2009, with your request for approval of the site-specific boron water quality standard under section 303(c) of the Clean Water Act (CWA), completed the minimum requirements for water quality standard submission identified in 40 CFR 131.6. The proposed action would establish a series of decreasing site-specific boron water quality standards, ranging from 4.5 mg/L to 1.3 mg/L, for segments of the Sangamon and Illinois Rivers downstream from Springfield's Spring Creek wastewater treatment plant outfall 007.

Consistent with section 303(c) of the CWA and federal regulation at 40 CFR 131.21, EPA is required to review and approve, or disapprove, new or revised state water quality standards. EPA has reviewed the information submitted in support of the proposed site-specific boron water quality standards and hereby approves the standards identified above pursuant to section 303(c) of the CWA and federal regulations at 40 CFR 131.21 subject to completion of consultation under section 7 of the Endangered Species Act (ESA).

As required under section 7 of ESA, the EPA evaluated whether approval of this variance would affect federally-listed threatened or endangered species or designated critical habitat. To date EPA has initiated, but not completed, consultation with the U.S. Fish and Wildlife Service on the revised standard approved above. EPA has determined that this approval action does not violate section 7(d) of the ESA, which prohibits irreversible or irretrievable commitments of resources that have the effect of foreclosing the formulation or implementation of reasonable and prudent alternatives, and has included in the record the basis for the conclusion that there are no impacts of concern during the interim period until the consultation is completed.

If you or your staff has any questions regarding this approval, please contact Barbara Mazur of my staff at (312) 886-1491.

Sincerely,



Tinka G. Hyde  
Director, Water Division

cc: Richard Nelson, USFWS, Rock Island Illinois Field Office  
Sanjay Sofat, Illinois EPA  
Bob Mosher, Illinois EPA